



4410-15

NOTICEDEPARTMENT OF JUSTICE

Notice of Consent Decrees
Under The
Clean Water Act
and
Resource Conservation and Recovery Act

Notice is hereby given that a consent decree in United States v. ASARCO, Inc., Civil Action No. _____ (D. Mt.) and a consent decree in United States v. ASARCO, Inc., Civil Action No. _____ (D. Az.) were lodged with the United States District Courts for the District of Montana and District of Arizona respectively on _____.

In these actions the United States sought injunctive relief and civil penalties under Section 309(b) and (d) of the Clean Water Act ("CWA"), 33 U.S.C. § 1319(b) and (d), and Section 3008(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a). The consent decree lodged in the District of Montana ("Montana decree") resolves civil penalty claims of the United States against ASARCO, Inc. ("ASARCO") under the CWA for alleged unpermitted discharges at ASARCO's smelter facility in East Helena, Montana. The Montana decree also resolves civil penalty and injunctive relief claims of the United States against ASARCO under RCRA for alleged violations of hazardous waste regulations associated with materials acceptance and management

practices at ASARCO's East Helena smelter facility. The decree lodged in the District of Arizona ("Arizona decree") resolves injunctive relief and civil penalty claims of the United States against ASARCO under the CWA for alleged permit violations and unpermitted discharges at ASARCO's Ray Mine complex located near Kearny, Arizona.

The Montana decree requires ASARCO to: institute improved materials screening and management procedures at each of its four smelters nationwide; perform a comprehensive RCRA corrective action investigation and, as appropriate, remediation at ASARCO's East Helena smelter facility; implement an improved environmental management system nation-wide; and, pay a civil penalty to the United States of \$3,386,100 and perform a wetlands restoration project at ASARCO's East Helena smelter facility for alleged past violations of the CWA and RCRA at that facility.

The Arizona decree requires ASARCO to: perform construction projects to address alleged permit violations and unpermitted discharges at ASARCO's Ray Mine complex; and, pay civil penalties to the United States and State of Arizona totaling \$3 million for alleged past violations of the CWA at ASARCO's Ray Mine complex.

The Department of Justice will accept written comments relating to the proposed consent decrees for thirty (30) days from the date of publication of this notice. Please address comments to the Assistant Attorney General, Environment and

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Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044 and refer to United States v. ASARCO, Inc. (D.Mt.), DJ Ref. #s: 90-5-1-1-4323, 90-7-1-890 and 90-7-1-886, and/or, United States v. ASARCO, Inc. (D.Az.), DJ Ref. #s: 90-5-1-1-3822 and 90-7-1-886.

Copies of the proposed Montana decree may be examined at the Office of the United States Attorney, Suite 400, 2929 3rd Avenue, N., Billings, Montana, 59103; at the U.S. Environmental Protection Agency, Montana Operations Office, Federal Building, 301 South Park Street, Helena, Montana 59626; and, at the U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Denver, Colorado 80202. Copies of the proposed Arizona decree may be examined at the Office of the United States Attorney, 1275 West Washington, Phoenix, Arizona 85007; and, at the U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California, 94105.

Copies of both proposed consent decrees may be examined at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the consent decrees may also be obtained in person or by mail at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. When requesting a copy of the Montana decree by mail, please enclose a check in the amount of \$44.75 for a copy including exhibits, or \$28.00 for a copy excluding exhibits (twenty-five cents per page reproduction costs) payable to the

"Consent Decree Library." When requesting a copy of the Arizona decree by mail, please enclose a check in the amount of \$29.00 for a copy including exhibits, or \$9.00 for a copy excluding exhibits (twenty-five cents per page reproduction costs) payable to the "Consent Decree Library."

Joel M. Gross, Chief
Environmental Enforcement Section
Environment and Natural Resources
Division
U.S. Department of Justice



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COMMENTS: _____

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